



State and Consumer Services Agency – Governor Edmond G. Brown Jr.
Board of Barbering and Cosmetology - Department of Consumer Affairs
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CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF OCTOBER 25, 2010

**Department of Consumer Affairs
1625 N. Market Blvd.
Hearing Room, 1st Floor
Sacramento, CA 95834**

DRAFT

BOARD MEMBERS PRESENT

Richard Hedges
Frank Lloyd
Ken Williams
Christie Tran
Deedee Crossett
Marie Lemelle
Dr. David Rabago
Ted Nelson

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Hilda Youngblood, Assist. Executive Officer
Gary Duke, Staff Counsel
Theresa Rister, Board Analyst

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Mr. Hedges called the meeting to order. The board members and staff introduced themselves.

2. Agenda Item #2, PUBLIC COMMENT

Members of the public did not wish to comment at this time.

3. Agenda Item, #3, BOARD PRESIDENT'S REPORT

Mr. Hedges praised the staff and their efforts to keep up with the work of the department despite budget and personnel cutbacks.

Mr. Hedges reported on a ride-along he went on a month ago. He reported he has been meeting with Mr. Lloyd and Fred Jones regarding pertinent issues. He hoped more outreach will be done.

4. **Agenda Item #4, EXECUTIVE OFFICER'S REPORT**

Ms. Underwood thanked Mr. Hedges for his comments. She agreed everyone was working very hard. She introduced the managers in the audience including Heather Berg, the Enforcement Manager; Debra Brown, Inspections and Cite & Fine Manager; Kari Frank, Licensing Manager and Acting Admin Manager; and Marion Welch, Supervising Examiner. She also introduced Theresa Rister Licensing Unit Lead; Vlad Chepurney, Disciplinary Review Committee Lead; Patricia Garcia, Admin Unit Lead; Roseanna Webb Flores, Probation Lead; Jennifer Jones, Enforcement Lead; Jennifer Porcalla, Cite and Fine Unit Lead. Ms. Underwood also acknowledged the inspectors who are working in the field everyday. .

- **Licensing Statistics:** Mr. Hedges noted a large increase in the number of license applications. Establishment licenses take 4-5 weeks. The statistics include reciprocity.
- **Examination Statistics:** Ms. Underwood explained the applications are processed in 4-6 weeks but examinations would then take 30 days. There is a long waiting list at the Fairfield site, up to 3 months, due to a smaller facility and no exams on furlough Friday. The written re-exams are processed in 4-6 weeks then the candidate can be scheduled. Mr. Hedges noted the pass rate for Spanish and Vietnamese applications are lower. It was feared the students actually did not complete the hours required. Ms. Crossett stated text books are available in Spanish/Vietnamese publications. Ms. Underwood assured the Board Members that translations were accurate on the national exam used by the Board.
- **Disciplinary Review Statistics:** Statistics were reviewed.
- **Enforcement Statistics:** Statistics were reviewed.
- **Inspection Statistics:** Statistics were reviewed.
- **Budget Update:** It was noted the office is now working 5 days per week. Revenues and expenditures as of August 31, 2010 were discussed, as were projected expenditures. An executive order has been issued asking the Board for a 5% reduction in personnel services. Some savings will come out of vacant positions plus a hiring freeze has been set. Vacant positions were at the exam site and the office. Transfers within the DCA were possible and are being explored. Equipment and purchasing were being examined. The budget did not allow for temporary workers which were greatly needed. It was noted the state has borrowed money from the reserves for the last 2 years. Mr. Williams commended staff for working in the black. Mr. Rabago wondered why additional staff could not be hired if the Board had a surplus. Legal Counsel Gary Duke explained the agency was self-funded. However, as a public agency it was subject to budget considerations of the state. The Board must follow the directions of the state. Revenue and fees are set by statute or regulation.

- **Outreach Update:** Staff is working on setting up a schedule for 2011 outreach. A hiring and overtime freeze is in effect which will hinder some outreach events which occur on the weekends. The first show will be held in late January in Long Beach. Mr. Hedges asked board members to notify Ms. Underwood of future events.

5. Agenda Item #5, DCA DIRECTOR'S REPORT

Kim Kirchmeyer of the DCA confirmed the hiring freeze was in effect August 31, 2010. Flex time is being encouraged. Ms. Kirchmeyer discussed the budget process including budget change proposals. They are due approximately in April every year. The final document is required by June or July, which is analyzed by various agencies. If approved, it will be set for budgetary hearings. Ms. Kirchmeyer read the criteria for an exemption to the hiring/overtime freeze. It has been very stringent. She stated the DCA would be supportive if the Board needed to file for an exemption if it was valid. Ms. Kirchmeyer noted the Board has not been targeted for a special loan by the State.

Ms. Kirchmeyer noted the DCA was continuing to work on the Consumer Protection Enforcement Initiative. An initial timeframe for enforcement has been prepared and she encouraged the board to look at these statistics. It was hoped to reduce the timeframe to 12 to 18 months. Mr. Hedges noted the current time was 6 months to appeal hearing for the Board. Ms. Kirchmeyer stated they were looking at the time from the date the complaint was received to the disciplinary action. She noted the timeframe was more of a target. Ms. Underwood noted the Board did not have a projection from the time the appeal is made to the actual hearing. Ms. Kirchmeyer noted the quicker an individual is brought into the DRC the quicker the education would be provided. The update of the Strategic Plan should be done soon and this will be included.

Ms. Kirchmeyer noted the DCA was working on the Breeze Project, Information Technology Project to replace the licensing and enforcement processes and IT functions for all the boards. Ashley Alstrom has worked with the DCA on behalf of the Board. She encouraged Debbie Balam to be scheduled to address the board on the project. They are currently meeting with prequalified vendors to determine the requirements to meet the needs of the boards. An RFP will be released in December. The initial roll-out will be expected in December 2012. Ms. Kirchmeyer thanked Ms. Underwood and her staff for their input. Forms will be standardized, and data needs and transition of documents are being examined. Breeze will be in-depth for consumers and schools to find testing results. It is hoped specific test results will be available for schools to determine what areas to focus on. Mr. Hedges noted the fines due and license renewal need to be interfaced; Ms. Kirchmeyer agreed. Ms. Underwood noted our liaison was well aware of this need.

Mr. Williams thanked Ms. Kirchmeyer for her positive outlook about the future. Mr. Hedges thanked Ms. Kirchmeyer for the informative monthly meetings.

Mr. Hedges called a 10 minute break at this time.

Mr. Hedges asked Ms. Underwood to clarify the board member terms. She explained Mr. Hedges was serving a full term. Three of the government appointees (Mr. Lloyd, Mr.

Williams and Ms. Crossett) need to be confirmed by the Senate at the end of January 2011. Once confirmed they will serve their full terms to 2013. Ms. Lemelle's term ends January 1, 2011 but is allowed a one year grace period. Mr. Nelson, Dr. Rabago and Ms. Tran terms end January 1, 2011. If they were confirmed, they would have a year grace period. Ms. Underwood is keeping a close eye and will keep the board posted. Worst case scenario is there would not be a quorum for action. If action is needed, a Board meeting should be set prior to January 22, 2011.

6. Agenda Item #6, REVIEW OF OPEN MEETINGS ACT AND BOARD MEMBER ETHICS

Legal Counsel Gary Duke gave an in-depth presentation on the Open Meetings Act to promote good government practice. He hoped to create awareness for the Board members on potential ethical dilemmas as a board member and recommend strategies to deal with the dilemmas. The Bagley Keen Act, conflicts of interest, disqualifications and abstentions were discussed. The Act was enacted to promote transparency in government. He discussed the definition of meetings, the discouraged use of cell phones during meetings (public perception), communication via email (no reply to all), opinions vs. information. He provided numerous examples for clarification. He distributed and discussed the top ten rules of the Bagley Keen Act. He encouraged the Board members to ask Ms. Underwood or him if they had any questions. Mr. Duke then discussed conflicts of interest. He also discussed Form 700, the annual form to disclose certain financial information.

Public Comment:

Fred Jones of the PBFC noted the Act only applied to board members and not the public; it also applied only when 5 Board members were involved. Mr. Duke stated it was no more than 3 members. He urged the Board not to use the Act to discourage public opinion.

7. Agenda Item #7, REVIEW OF BOARD MEETING MINUTES

- **July 28, 2010:** The following changes/corrections were noted: Ms. Crossett clarified her comments under Section 5. She noted she would like to see equal scoring for all license types. Ms. Lemelle noted her first name was Marie and not Maria. Upon a motion by Ms. Crossett, seconded by Mr. Williams, the above minutes as amended were approved by an 8-0 vote.

8. Agenda Item #8, REVIEW AND APPROVAL OF BUSINESS PLAN

- **Discussion on Business Plan:** Ms. Underwood emphasized the document presented is a draft. It includes background information and the operation plan divided by each unit. The Strategic Plan was updated in 2006. Some goals remained the same. Staff attempted to include projected completion dates and costs. Mr. Nelson noted there were questions about the future, including board members and the need to make budget proposals in 2011 for 2013. He agreed it was important to get information to the schools about the details of their pass/fail

rates. Ms. Lemelle commended Ms. Underwood and her staff for developing the ambitious goals. She hoped to see details later on how the goals will be achieved. Ms. Underwood explained each goal had its own internal detailed plan. Mr. Lloyd moved to accept and approve the business plan as presented. Ms. Lemelle seconded the motion.

Public Comment:

Kimberly Kirchmeyer with the DCA asked if board member guidelines were available. She believed having a separate business plan and strategic plan may take a lot of work and they should be integrated together. The DCA preferred an up-to-date strategic plan. She noted the DCA had a group that will come out to review and assist in updating the strategic plan. The strategic plan should outline the goals of the board in the next 5 years. Identifying tasks will be developed based on these goals.

Mr. Nelson believed the purpose of the business plan was to show how the Board would use their resources to execute the strategic plan.

Upon a motion by Mr. Lloyd, seconded by Ms. Lemelle approved by a 7-1 vote (Ms. Crossett).

Mr. Hedges adjourned the meeting for a 30 minute lunch.

9. Agenda Item #9, STATUS OF PENDING LEGISLATION

a. Review of Proposed Legislation: Essential bills were discussed.

- **AB 978 State Chief Information Officer Duties:**
- **AB 1659 Joint Sunset Review Committee:**
- **AB 1787 Administrative Procedure: Regulations: Narrative Description**
- **AB 1889 Private Postsecondary Education: CA Private Postsecondary Act of 2009:** Vetoed by the Governor.
- **AB 1899 State Agencies: Information on Web Site**
- **AB 1957 Administrative Procedure Act: Notice of Proposed Actions: Local Government**
- **AB 1993 State Government Reports: Declarations**
- **AB 2091 Public Records: Information Security**
- **AB 2130 Professions and Vocations: Sunset Review**
- **AB 2393 Private Postsecondary Education: Fair Business Practices:** Vetoed by the Governor.
- **AB 2466 Regulations: Legislation Validation**
- **AB 2738 Regulations: Statement of Reasons**
- **SB 942 State Auditor: Analysis of Regulations**
- **SB 1171 Sunset Review**
- **SB 1491 Department of Consumer Affairs Omnibus:** Allows for smoothers, air hand dryers, clarifies manicures and pedicures and allows written testimony for appeal hearings. Will become effective January 1, 2011.

Public Comment:

Sarah Mason from the Senate B & P Committee explained AB 1889 included clean-up provisions and disclosures provided to students, business practices, placement rates, staffing; 2393 only dealt with placement rates for nursing students and apprentices.

10. Agenda Item #10, REGULATIONS UPDATE

- **Curriculum Regulations Update:** Ms. Underwood reported the package has been submitted to DCA. The deadline is November 20 for approval and submission. It is anticipated this deadline will be met.
- **Administrative Fines-Review and Approval of Modified Language for Section 974 of the California Code of Regulations:** A public hearing was held on the new fine schedule. No comments were received. Staff decided to combine some of the sections into one fine. Ms. Crossett noted two licensure violations in one area would be counted as one fine. She wondered if this was fair (1 versus 20 stations). No licensure would be separate. Mr. Williams believed the package was a major improvement in the fine structure. Mr. Hedges noted the first violation fines were lowered but a third violation was added. Mr. Williams believed the package was the first line of defense in protecting the public. Ms. Crossett wondered if the lower first violations would result in more dismissals in DRC. Ms. Crossett asked for clarification on the pipeless foot spa: 980.1 covered the whirlpool; 980.2 covered pipeless in a seated chair with fans; 980.3 covered the tubs with no recirculating action. Mr. Nelson asked for clarification on 978b and c, they appeared redundant. Mr. Hedges and Ms. Crossett discussed the empty containers. Heather Berg, Enforcement Manager clarified cites would be given if there was no available container for use. There must be disinfectant available for use. Mr. Nelson believed the two subsections should be combined. Ms. Underwood agreed this could be done. Mr. Hedges and Ms. Crossett believed they should be kept separate. It was agreed a backup of solution must be available.

Public Discussion:

Nadene Bruder, an audience member commented on 965, displaying of license. She noted teachers were required to bring their license from the salon to the school. However, she was told this only applied to establishments and not schools. However, she noted the schools were being fined for no license.

Mr. Lloyd moved to finalize and move forward with the regulation as presented. It was seconded by Mr. Williams and approved by an 8-0 roll call vote. The package will be finalized. Mr. Duke believed the Office of Administrative Law might see the change as Section 100 change in format and editing. It would not require a public hearing. Ms. Underwood will advise the board when it is determined.

11. Agenda Item #11, ADVANCED ESTHETICIAN LICENSE

Ms. Crossett noted estheticians were doing lash and brow tinting, body treatments that included wraps and scrubs. She hoped it could be added to the advanced esthetician license as they are currently outside the scope of practice. Ms. Underwood provided information from the National Coalition of Estheticians (NCEA). Ms. Crossett hoped the Board could be proactive in this area. She believed a written exam would be sufficient. Mr. Hedges recommended Ms. Crossett and Mr. Williams work together to find a sponsor for legislation. Ms. Lemelle recommended they both get acquainted with their representatives to work together. Mr. Hedges recommended Assemblymember Fiona

Ma and Leland Yee who may be supportive. Ms. Underwood recommended language be prepared to present to the reps. She believed the first step would be to develop the scope of practice and language for the proposed act. Ms. Crossett moved to set up a working group and it was seconded by Mr. Williams.

Public Comment:

Regina Pelayo from Skyline Community College is an esthetics teacher. She agreed with the second tier license to offer students more practice and education.

Sherry Davis, NCEA rep for California, brought information on the advanced license in other states. She expressed concern on light therapy devices that are being sold to the public. Continuing education needs to be kept up-to-date. She offered to provide samples of language from other states. She noted the skin care industry employment was expected to increase dramatically possibly because of different growing trends.

Kim Kirchmeyer of DCA noted all the interested parties need to be brought into the working group. A well thought out presentation needs to be developed before going to a representative to sponsor a bill. She noted the DCA can assist in contacting representatives who have been supportive in the past.

Dana Pancoe from the NIC, agreed input from all concerned parties should be sought and she offered the NIC assistance. She noted an exam was available that was adopted by Utah and Virginia.

Hearing no further public commented, it was approved 8-0 to develop the working group of Ms. Crossett and Mr. Williams.

12. Agenda Item #12, SCORING METHODS FOR EXAMINATIONS – REGULATORY ACTION

- **Possible Action Amendment to Section 932 of Article 4, Title 16, Division 9 of the California Code of Regulations:** Sonja Merold and Amy Welch-Gandy from the Office of Professional Examination Services (OPES) gave a presentation to the Board. Their office is responsible for test development, occupational analysis,

validation studies. They monitor the contract for administering the Board's CBT examinations. Their goals were to protect the consumers. She passed out copies of Section 139 and noted the standards for defensible examination programs including passing standards. Passing standards should be based on minimum competency criteria. Ms. Welch-Gandy discussed criteria referenced methodology. Minimum competence is determined. Mr. Williams hoped to address the inequity in the barber and other aggregate scoring. In research, he found that barbers did not have to score well on the written exam. Ms. Welch-Gandy stated their recommendation would be to eliminate aggregate scoring for barbers and use the scoring methodology that is used for cosmetologists and others. They would also recommended all use the criteria referenced methodology. Ms. Crossett believed all the scoring needed to be consistent, no matter the type. She agreed some learners are hands-on and may not pass the written exam. Ms. Welch Gandy stated the criteria referenced methodology would be applied to the written and practical exam. Mr. Williams agreed very competent students may not pass the written exam. He read an email from Dr. Kerry Williams, a licensed barber. She voiced her concern about barbers not receiving enough training in academic subjects. In her own training she found her school did not focus on the theoretical subjects such as disinfection. Mr. Williams believes if everyone used aggregate scoring that it needed to be clarified. Mr. Hedges recalled a meeting in late 2003 that did this but it was never implemented because the computer system would not do it. Mr. Lloyd wondered if this was lowering the bar but Ms. Welch-Gandy noted they were setting the standard for each exam, which would have its own individual cut score. Mr. Lloyd asked if the system was working, why change it. Mr. Williams disagreed and wanted the system to be equal. Mr. Nelson hoped the practical would prevail. Ms. Crossett also wanted the scoring to be fair. She noted some areas were very important to protect the consumer. Mr. Williams continued with the letter from Dr. Kerry Williams. She noted she saw consumers suffering from skin conditions due to improper disinfecting by past barbers. Ms. Tran agreed the written test was difficult but it could be passed with studying. She also wondered about the worth of the written test if it can be overridden by the practical exam. Mr. Williams noted the current short hair trend includes men being touched by clippers on the scalp. He was concerned that barbers did not need to pass certain areas. Mr. Williams hoped this matter could be discussed and resolved. Mr. Hedges believed the barbers had a higher number of citations for sanitation; Mr. Williams believed they were similar. Ms. Underwood noted the top citations for barbers included soiled and clean items not labeled, disinfectant not changed. Ms. Crossett stated these were similar to estheticians. Mr. Nelson noted the barbers were twice as likely to commit the disinfecting violations.

Mr. Hedges made the motion to amend Section 932 of Article 4, Title 16., Division, California Code of Regulations to eliminate barbers' aggregate scoring as it now stands and move toward the best possible method of scoring all tests under the scope of practice regulated by the Board of Barbering and Cosmetology and do that with the assistance of the Office of Exam resources. Seconded by Mr. Lloyd

Ms. Underwood noted the Board voted to move toward the NIC practical exam and asked to hear from Dana.

Public Comment:

Dana Pancoe of NIC stated the exams follow the model of setting a passing point. A raw score is currently provided and the Board can apply weight percentage to each section. She recommended fact-finding to determine the best method.

Fred Jones, of the PBFC believed the policy was taken out of the Board's hands by the policymakers. The Board was responsible for writing regulations from the laws. The law clearly states practical demonstrations should prevail over written tests. He believed the barbering scoring was more in compliance with this law and aggregate scoring needed to be same for all license types. He agreed the standards set by the subject matter experts were appropriate. He was firmly against the proposed motion. He agreed it should be weighed 55/45.

Mr. Duke stated Mr. Jones was correct in the law but did not see how it was inconsistent with the Board's regulations. Mr. Williams believed the evaluation of the tests was inconsistent. He believed minimum competency must be met by the students. Mr. Nelson believed there were two issues on the table and needed to be more focused. Mr. Duke noted the current law was reviewed by the Office of Administrative Law and was subject to public hearing. It was determined to be consistent with the authority.

Public Comment

Mr. Jones provided a history and noted the barbers threatened a lawsuit if aggregate scoring was removed from their license. The then board dropped the issue. He clarified it did not matter what the raw possible points were, but the minimum percentage required in both the written and practical.

Sonja Merold from DCA noted the Director Brian Steeger supports the criterion referenced methodology and was concerned about the aggregate scoring.

Mr. Hedges clarified his motion to remove aggregate scoring for the barbers and to find a best possible way of scoring. After discussion, Mr. Hedges amended his motion to focus on the barbers. He asked staff to work with DCA to return with recommendations on how to score the barber exam and draft regulations. Ms. Underwood noted the language was developed based on criterion referenced scoring methods and was included in the board packet. The language covered all licensing categories. Ms. Welch-Gandy of the OPES recommended the board determine how much weight to give to each exam. Mr. Nelson recommended the barbering be focused on at this time. Mr. Hedges agreed. In her discussions with DCA, Ms. Underwood recommended the barbering exam be changed to criterion referenced scoring. Ms. Underwood was concern that only the barbering scores would be changed. The cosmetology scores were not done in this way. To change to criterion referenced scoring would require a regulation package that would not be implemented for at least one year. Mr. Hedges withdrew his motion.

Mr. Hedges made a motion to amend Section 932 of Article 4, Title 16, Division 9 of the California Code of Regulations that will say, the Board shall establish passing

scores in examinations based on criterion referenced scoring methods. Mr. Lloyd seconded the motion.

Public Comment

Fred Jones of PBFC questioned the adoption of criterion referenced scoring which he believed was unclear. He hoped the door would be left open for aggregate scoring. He hoped a working group would be formed to make it more clearer.

Mr. Williams believed criterion referenced scoring was percentage based and not point based. Ms. Welch Gandy explained a candidate is compared to a standard and not their peers. Subject matter experts provide the ratings based on level of difficulty.

Fred Jones of PBFC asked Ms. Merold of OPES if they preferred a 50/50 weighting. She believed the practice of the practical outweighing the written was an archaic practice.

Ms. Welch-Gandy agreed if criterion based scoring was used the practical exam could still prevail. But the definition of prevail would have to be determined by subject matter experts.

Mr. Hedges reread his motion to amend Section 932 of Article 4, Title 16, Division 9 of the California Code of Regulations that will say, the Board shall establish passing scores in examinations based on criterion referenced scoring method. It was seconded by Mr. Lloyd. The motion was approved by 4-3 (Rabago, Nelson, Tran) -1 Abstain (Crossett).

Public hearings will be held to further the process.

Mr. Duke later explained the vote passed. However, Ms. Crossett wished to change her vote. Mr. Williams reiterated the item must be approved by DCA to move forward.

Ms. Crossett called for a reconsideration of the vote. Mr. Nelson seconded the motion. All agreed to a reconsideration of the vote, 8-0.

Mr. Hedges called for the question.

The following members voted yes: Williams, Lemelle, Hedges, Lloyd

The following members voted no: Tran, Rabago, Nelson, Crossett

Mr. Nelson recommended further input, more clarification and should be put on the agenda for the next Board meeting so licensed barbers can address. Ms. Crossett asked if there was a way to weight the practical exam more within criterion referenced scoring and stay within the current regulations. Ms. Underwood stated the current regulations require a certain pass score. The regulations would state that the exams would be based on criterion referenced scoring and staff would work with NIC to weight them. It is not believed the DCA would support aggregate

scoring. Ms. Underwood reiterated she has already worked with OPES who has recommended the regulations be changed to criterion referenced scoring. She agreed to work with NIC to develop a new split for the barber exam. Dana of SMT/NIC recommended working with subject matter experts to accomplish this and agreed to work with the Board.

Public Comment

Diana Gomez offered the thought - the barbers were able to study, take a test and pass the behind the wheel examination to obtain their drivers license.

Mr. Nelson made the motion for Ms. Underwood to work with NIC and their experts, as appropriate, to recommend an adjustment to the barbering portion of the exam to have the weighting more closely match the discussions today.

Ms. Underwood agreed to the direction but noted if they recommended a new split for the barbering scoring, then new regulations will need to be done and the scoring would still not be legally defensible. It would be required to go through DCA which will still agree it is not legally defensible. Ms. Crossett recommended the change should be done for all levels, not just barbers, since it will be a very long process. At Mr. Nelson's direction, the barbers will still be scored differently.

Mr. Williams believed the issue cannot be agreed upon. Ms. Crossett believed the Board is on the same page but they are unsure how to say it. Everyone wanted the test to be fair but believe they need additional education. Ms. Underwood agreed to provide additional information to further educate the Board and all agreed this would be the best solution.

13. Agenda Item #13, DISCUSSION ON UN-REGULATED SERVICES OFFERED IN LICENSED ESTABLISHMENTS

Ms. Underwood stated it has become very difficult for the inspectors to determine who needs a license and who does not. Another state was found that required establishments to post a sign in their salons noting unregulated services. Three options were presented. Mr. Williams preferred option 2 due to the increasing amount of unregulated services being offered. Staff currently recommends to the person doing unregulated services to take their license down during this service but no statute require them to do this. Ms. Crossett also agreed with option 2. The Board does not regulate permanent makeup. Mr. Hedges agreed with option 2. The unregulated services need to be clearly identified for the consumer.

Mr. Williams made the motion to accept option 2. It was seconded by Ms. Lemelle. Ms. Underwood clarified regulatory language will be placed on the future agenda. The motion was approved by a 8-0 vote.

14. Agenda Item #14, DISCUSSION CONTINUING EDUCATION

Mr. Williams did research into how many states have continuing education requirements. He believed continuing education would address the increase in

violations. Mr. Hedges noted this would take legislation but believed it would be worth it. Mr. Williams recommended the Board explore continuing education. Mr. Hedges recommended the education outreach committee meet and discuss this issue and make recommendations to the board. The committee consists of Mr. Williams and Ms. Lemelle. Ms. Underwood noted a senator has shown interest in the past. Ms. Underwood noted the board approved language last year and she will provide a copy. All agreed this was an important issue.

Public Comment

Leah Alberto, a former supervising examiner, wrote 3 books for Florida for a 16 hour continuing education course in Cosmetology, Esthetician and Nails. The book is used and a 35 question test is taken at the end. It is taken every two years to renew their license. She noted they do take in-house classes at trade shows. The books include HIV updates, sanitation sterilization, workmens compensation, state and federal laws and rules, chemical makeup, hair, skin and nails, environmental issues, carpal tunnel syndrome, and customer information. She left copies of the books for the Board's review.

Mary Lou Amaro, President of California Cosmetology Association, supports the continuing education for instructors and cosmetologists. They conduct shows and classes.

15. Agenda Item #15, DISCUSSION ON BOOTH RENTAL LICENSE

This issue was first brought up in 2008. Mr. Hedges noted he was initially against the license but has since received information from Fred Jones of PBFC for a "voluntary" license.

Fred Jones of PBFC provided a brief presentation of his proposal. Booth renters are sole proprietors and need to be recognized as such. Currently, a booth renter and the establishment can both be fined. He believes they should have their own insurance policy, city/county permit, and a license to ensure they are sole proprietors.

Mr. Hedges made the motion to form a working group to analyze Mr. Jones' proposal and bring back a recommendation to the Board. Mr. Williams seconded the motion. It was approved by an 8-0 vote. Mr. Hedges asked for all interested parties wishing to serve on the working group to notify Ms. Underwood.

16. Agenda Item #16, REVIEW AND APPROVAL OF DISCIPLINARY GUIDELINES

The disciplinary guidelines with edits and additions were presented in the Board packet. It will be given to the Attorney's Generals Office and Administrative Law Judges to be used when reviewing the disciplinary cases and negotiating settlement terms. They need to be updated through regulation.

Upon a motion by Mr. Lloyd, seconded by Ms. Lemelle, it was voted 7-0 to approve the disciplinary guidelines. (Mr. Nelson was not in attendance to vote)

17. Agenda Item #17, 2011 BOARD MEETING SCHEDULE

In reviewing the calendar, a meeting was scheduled for January 10 in Southern California.

18. Agenda Item #18, PUBLIC COMMENT:

The public present did not wish to address the Board at this time.

19. Agenda Item #19, AGENDA ITEMS FOR NEXT MEETING:

Scoring methodology and general items.

20. Agenda Item #20, CLOSED SESSION TO DISCUSS ENFORCEMENT CASE

- **Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c)(3)).**

21. Agenda Item #21, ADJOURNMENT

The meeting was reopened to public session.

With no further business, the meeting was adjourned.